



Atty. Dkt. No. 040679-1173

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Masahiro ARAI et al.

Title: SYSTEM AND METHOD FOR CONTROLLING INTAKE AIR BY VARIABLE VALVE TIMING

Appl. No.: 09/727,554

RECEIVED

Filing Date: 12/04/2000

JUL 08 2004

Examiner: Jaime W. Corrigan

TECHNOLOGY CENTER R3700

Art Unit: 3748

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(c), before the mailing date of either a final action under 37 CFR §1.113, a notice of allowance under 37 CFR §1.311, or an action that otherwise closes prosecution in the application.

RELEVANCE OF EACH DOCUMENT

In a counterpart Japanese application, an Office Action issued on June 8, 2004. According to an English translation obtained by Applicants' representative of the Japanese Office Action, the Japanese Patent Office made certain characterizations of the references.

For the examiner's convenience attached is a partial English translation of the Japanese Office Action.

The disclosure of these characterizations should not be construed as an admission of or agreement to the opinions expressed in the Japanese Office Action.

Documents A1 and A2 claim priority based on the same first-filed application. (Document A1 was not cited in the Japanese Office Action, but is being provided herewith for the Examiner's convenience.)

English translations of the foreign-language documents are not readily available. However, the absence of such translations does not relieve the PTO from its duty to consider the submitted foreign language documents (37 CFR §1.98 and MPEP §609). English language abstracts are provided herewith.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

STATEMENT REGARDING DOCUMENTS A2 TO A5

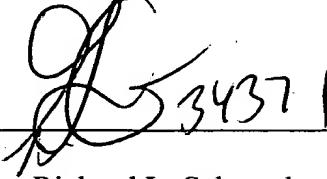
The undersigned hereby states in accordance with 37 CFR §1.97(e)(1) that each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to filing of this Statement.

The undersigned hereby states in accordance with 37 CFR §1.704(d) that each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR §1.56(c) more than thirty days prior to the filing of the information disclosure statement..

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

By



Richard L. Schwaab

Attorney for Applicant
Registration No. 25,479

Date July 6, 2004

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5414
Facsimile: (202) 672-5399

Partial translation of Japanese Office Action mailed 06/08/2004
Serial No. 09/727,554 - (Our Ref: 40679/1173,)

Claim 1

Reference 1

Reference 1 discloses a device for controlling intake air quantity for engine, wherein the control of the intake air quantity by valve timing is forced to be less responsive.

Claim 2

Reference 1

It is known to delay to make the response performance of valve timing less responsive. (Refer to References 2 and 3, if necessary.) A person skilled in the art could have easily arrived at delaying by the same amount to make the control of intake air quantity by valve timing less responsive as the response performance of the intake air quantity.

Claims 3 and 4

References 1 and 4

Reference 4 discloses a device for controlling the intake air quantity for an engine having a separate driving range, wherein the throttle valve's opening is almost fixed and the valve timing for air intake valve is variably controlled in order to control the intake air quantity of the engine, from a driving range, wherein the valve timing of the air intake valve is almost fixed and the opening of the throttle valve is variably controlled in order to control the intake air quantity of the engine.

Index of Cited References

1. JP 11-311135
2. JP 11-002140
3. JP 08-284737
4. JP 11-117777

Record of Prior Art Literature Search Results

Searched field IPC 7th Edition
 F02D 13/02
 F02D 9/02
Prior Art Literature JP 08-021267

This Record of Prior Art Literature Search Results does not constitute a reason for rejection.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.



Substitute for form 1449B/TRADEMARK
INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

Date Submitted: July 6, 2004

(use as many sheets as necessary)

Sheet

1

of

1

Complete if Known

Application Number	09/727,554
Filing Date	12/04/2000
First Named Inventor	Masahiro ARAI
Group Art Unit	3748
Examiner Name	Jaime W. Corrigan

Attorney Docket Number 040679-1173

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	A1	6,397,814	B1	NAGAISHI ET AL.	06-04-2002	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
	A2	JP	11-311135	A	NISSAN MOTOR CO., LTD.	11-09-1999		Abst.
	A3	JP	11-002140	A	UNISIA JECS CORP.	01-06-1999		Abst.
	A4	JP	8-284737	A	TOYOTA MOTOR CORP.	10-29-1996		Abst.
	A5	JP	11-117777	A	HITACHI LTD.	04-27-1999		Abst.

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶

RECEIVED

JUL 08 2004

TECHNOLOGY CENTER R3700

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.